

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ATLANTIC RECORDING  
CORPORATION, LAFACE  
RECORDS LLC, SONY MUSIC  
ENTERTAINMENT, UMG  
RECORDINGS, INC., WARNER  
BROS. RECORDS INC., ARISTA  
MUSIC, ARISTA RECORDS LLC,  
BAD BOY RECORDS LLC,  
CAPITOL RECORDS, LLC,  
ELEKTRA ENTERTAINMENT  
GROUP INC., ROC-A-FELLA  
RECORDS, LLC, SONY MUSIC  
ENTERTAINMENT US LATIN LLC  
and ZOMBA RECORDING LLC,

Plaintiffs,

v.

SPINRILLA, LLC and JEFFERY  
DYLAN COPELAND,

Defendants.

Civil Action No.  
1:17-CV-00431-AT

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO  
EXTEND PRETRIAL ORDER DEADLINE**

On February 22, 2022, the Court convened a status conference to discuss the parties' efforts to complete discovery and finally bring to trial this five-year-running litigation. *See* ECF No. 431. During that conference, counsel for Defendants expressly represented that they were working to prepare the required pretrial order and intended to satisfy the Court's deadline for that submission, which is March 14, 2022. *See* ECF No. 399. Counsel for the parties, and the Court, were in agreement that the case should continue to move forward to trial, notwithstanding the parties' parallel efforts to mediate.

On February 23, 2022, less than a day after the status conference, Defendants' counsel sent Plaintiff's counsel an email attaching a motion for a 60-day extension of the pretrial order deadline "that we plan to file today." Counsel's email provided no explanation whatsoever for this about-face. Nonetheless, to avoid burdening the Court with needless motion practice, Plaintiffs made a compromise proposal to Defendants of a fifteen-day extension. Defendants' counsel rejected that offer and, within a matter of hours, filed their motion.

An extension of the pretrial order deadline is not warranted for several reasons. First and foremost, this case has been pending for over five years. Plaintiffs have won judgment on liability, and they are entitled to move this case forward to a trial on damages.

Second, the mere possibility of mediation (as to which the parties have not yet even agreed) is not a valid basis to delay submission of the pretrial order. The parties are certainly capable of making arrangements for a potential mediation at the same time as they complete work on the pretrial order. Moreover, it must be noted that the parties have already mediated twice before – in both instances, the Court administratively closed the case and stayed deadlines, and neither mediation was successful. Plaintiffs will approach any future settlement talks in a continued spirit of good faith, but a third delay of proceedings is unwarranted.

Third, as the parties and Court discussed at the conference two days ago, the presence of litigation deadlines and the possibility of a trial later this year will provide additional motivation to settlement and will further, rather than set back, the possibility of resolution through mediation. The joint pretrial order in many respects will be the parties’ “last word” on this case before it is tried to a jury. Witnesses and exhibits will be identified. The parties will be forced to identify which facts can, and cannot, be stipulated. These steps forward will help the parties assess the strengths and weaknesses of their respective cases, making the mediation exercise more and not less productive.

After five long years of litigating this case, Plaintiffs are ready to have their day in Court and explain to a jury why Defendants’ repeated, willful infringement

should result in a significant damages award. Defendants have presented no good cause for interposing further delay. Their motion should be denied.

Respectfully submitted this 24th day of February, 2022.

**JENNER & BLOCK LLP**

/s/ Andrew H. Bart

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **OPPOSITION TO DEFENDANTS’  
MOTION TO EXTEND PRETRIAL ORDER DEADLINE**, on the date stated  
below, was filed using the Court’s *CM/ECF* system, which automatically and  
contemporaneously sends electronic notification and a service copy of this filing to  
counsel of record:

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February 24, 2022

/s/ Previn Warren  
Previn Warren